

PATENT
Docket No. 2207/6018

DAC
BAU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Victor B. LORTZ
SERIAL NO. : 09/208,064
FILED : December 9, 1998
FOR : SYSTEM AND METHOD FOR INTEGRATING AND
CONTROLLING AUDIO/VIDEO DEVICES
GROUP ART UNIT : 2711
EXAMINER : Krista Kieu-Oanh Bui

Mail Stop Petition

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

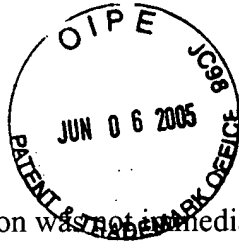
PETITION UNDER 37 C.F.R. 1.137(b)
TO REVIVE PATENT APPLICATION ABANDONED UNINTENTIONALLY

SIR:

Applicant filed a Petition to Revive on August 24, 2004. A copy of that Petition is attached as Exhibit A. On May 17, 2005, the Commission dismissed the Petition (a copy of which is enclosed as Exhibit B). The Applicant respectfully resubmits its petition in accordance with the instructions in the dismissal.

As stated in Applicant's initial petition, an Office Action and a Notice of Abandonment were mailed to an old address of Applicant's representative, and were thus not received. When it was discovered that the application may have been abandoned, the undersigned immediately contacted Examiner Bui to inquire as to the status of the case on August 4, 2004. When it was learned that an Office Action had been previously mailed to the old address, the undersigned requested that the Examiner send a copy of the Office Action to the undersigned's present address.

06/07/2005 MBIZUNES 00000094 110600 09208064
01 FC:1453 1500.00 DA



A copy of the Office Action was not immediately received, and so Applicant filed the Petition of Exhibit A on August 24, 2004. Since Applicant did not have a copy of the Office Action, an RCE was filed instead (Exhibit C).

Instead of sending a copy of the Office Action, the Examiner mailed out the Office Action on August 30, 2004 (Exhibit D). Applicant filed a response to this Office Action on December 28, 2004 and alerted the Examiner to the status of the August 24th petition. A copy of the response is attached as Exhibit E.

The Commissioner's dismissal states that the RCE was an inappropriate reply to the non-final Office Action. As stated above, Applicant did not have a copy of the Office Action when it had filed its Petition. Applicant respectfully submits that the enclosed response of Exhibit E, satisfies the requirements of the rules.

As seen from the above, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 35 CFR 1.137(b) was unintentional.

The petition fee for revival of an unintentionally abandoned patent application pursuant to 37 C.F.R. §1.17(m) is \$1,500.00. The Commissioner is authorized to charge any additional fees or credit any overpayments to Kenyon & Kenyon Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter regarding his petition.

Respectfully submitted,

Shawn W. O'Dowd
Registration No. 34,687

Date: June 6, 2005

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
Tel: (202) 220-4200
Fax: (202) 220-4201

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<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. (If delivery employee suggests that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
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SAN JOSE CA 95110-2731

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The date stamp of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the following item(s):					
Docket No.	2207/6018	Serial No.	09/208,064	Date of Mailing	August 24, 2004
By	SWO/PMR/DCO	Filing Date	December 9, 1998	Express Mail No.	EV351182495US
Inventors/ Applicant	Victor B. LORTZ				
Title	SYSTEM AND METHOD FOR INTEGRATING AND CONTROLLING AUDIO/VIDEO DEVICES				
Item No.	Description				No. of Pages
1.	TRANSMITTAL FORM				1
2.	FEE TRANSMITTAL FOR FY 2004 (plus 1 copy)				2
3.	PETITION UNDER 37 CFR 1.137(b) TO REVIVE PATENT APPLICATION ABANDONED UNINTENTIONALLY				2
4.	REQUEST FOR CONTINUED EXAMINATION (RCE) (plus 1 copy)				2
5.	CHANGE OF CORRESPONDENCE ADDRESS - APPLICATION				1

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 the U.S. Postal Service's Priority Mail Insurance. Coverage up to \$100 per
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 requirements apply.

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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/208,064
	Filing Date	December 9, 1998
	First Named Inventor	Victor B. LORTZ
	Art Unit	2711
	Examiner Name	Oanh Bui KIEU
Total Number of Pages in This Submission	Attorney Docket Number	Intel 2207/6018

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Continued Examination (RCE); Postcard
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Shawn W. O'Dowd (Reg. No. 34,687) Kenyon & Kenyon
Signature	<i>Shawn O'Dowd</i>
Date	August 24, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Mail Stop Petition	
Typed or printed name	Pilar Rodriguez (Exp Mail # 351182495US)
Signature	<i>Pilar Rodriguez</i>
Date	August 24, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 2,100.00**Complete if Known**

Application Number	09/208,064
Filing Date	December 9, 1998
First Named Inventor	Victor B. LORTZ
Examiner Name	Qanh Bui Kieu
Art Unit	2711
Attorney Docket No.	Inte: 2207/6018

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
11-0600Deposit Account Name
Kenyon & Kenyon

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	1,330.00
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 2,100.00**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Shawn O'Dowd	Registration No. (Attorney/Agent)	34,687	Telephone	202-220-4200
Signature		Date	August 24, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Docket No. 2207/6018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Victor B. LORTZ
SERIAL NO. : 09/208,064
FILED : December 9, 1998
FOR : SYSTEM AND METHOD FOR INTEGRATING AND
CONTROLLING AUDIO/VIDEO DEVICES
GROUP ART UNIT : 2711
EXAMINER : Oanh Bui Kieu

Mail Stop Petition
Commissioner of Patents
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Dated: August 24, 2001

Signature

Shawn W. O'Dowd (Reg. No. 34,667)
KENYON & KENYON

PETITION UNDER 37 C.F.R. 1.137(b)
TO REVIVE PATENT APPLICATION ABANDONED UNINTENTIONALLY

SIR:

Applicants respectfully request revival of the above-identified patent application as permitted under 37 C.F.R. § 1.137(b). The above-identified application became abandoned for failure to timely respond to an Office Action mailed on January 4, 2001. The Notice of Abandonment was mailed on December 18, 2001. Both the Office Action and the Notice of Abandonment were mailed to an old address of Applicant's representative, and were thus not received.


The delay that resulted in the abandonment of the above-identified application was unintentional. The Petition is accompanied by a Request for Continued Examination and a Request for Change of Correspondence Address.

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The petition fee for revival of an unintentionally abandoned patent application pursuant to 37 C.F.R. §1.17(m) is \$1,330.00. The Commissioner is authorized to charge the above fees to Kenyon & Kenyon Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter regarding his petition.

Respectfully submitted,



Shawn W. O'Dowd
Registration No. 34,687

Date: August 24, 2004

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
Tel: (202) 220-4200
Fax: (202) 220-4201

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CHANGE OF CORRESPONDENCE ADDRESS Application

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Application Number	09/208,064
Filing Date	December 9, 1998
First Named Inventor	Victor B. LORTZ
Art Unit	2711
Examiner Name	Oanh Bui Kieu
Attorney Docket Number	Intel 2207/6018

Please change the Correspondence Address for the above-identified patent application to:

☒ Customer Number : 23838

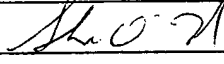
OR

<input checked="" type="checkbox"/> Firm or Individual Name	Shawn W. O'Dowd				
Address	Kenyon & Kenyon				
Address	1500 K Street, N.W., Suite 700				
City	Washington	State	D.C.	Zip	20005-1257
Country	USA				
Telephone	(202) 220-4200	Fax	(202) 220-4201		

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I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or Agent of record. Registration Number 34,687
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Typed or Printed Name	Shawn W. O'Dowd	
Signature		
Date	August 24, 2004	Telephone (202) 220-4200

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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KENYON & KENYON
1500 K STREET NW
SUITE 700
WASHINGTON, DC 20005-1257

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OFFICE OF PETITIONS

In re Application of :
Victor B. Lortz :
Application No. 09/208,064 :
Filed: December 9, 1998 :
Attorney Docket No. 2207-6018 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b); filed August 24, 2004, to revive the above-identified application.

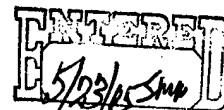
The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (3) above.

This application became abandoned for failure to timely reply to the non-final Office action mailed January 4, 2001, which set a three month shortened statutory period for reply. No extensions of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is April 5, 2001. A Notice of Abandonment was mailed on December 18, 2001.

Petitioner states that failure to timely reply was due to non-receipt of the January 4, 2001 Office action, as well as the Notice of Abandonment. As this application has been abandoned for an



inordinate period of time, the statement of unintentional delay must track the language set forth in 37 CFR 1.137(b)(3); i.e., "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional."

Further, as this application became abandoned for failure to reply to a non-final Office action, the filing of a request for continued examination (RCE) under 37 CFR 1.114 was improper, as such a request can only be filed where prosecution has been closed. Accordingly, the RCE will not be processed and the fee submitted therefor will be credited to petitioner's deposit account in due course.

Additionally, extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. In view thereof, the extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

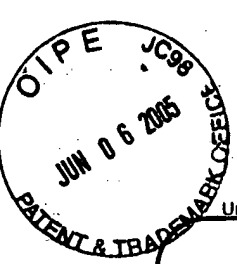
By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (703) 872-9306
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.


Frances Hicks

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/208,064
Filing Date	December 9, 1998
First Named Inventor	Victor B. LORTZ
Art Unit	2711
Examiner Name	Oanh Bui Kieu
Attorney Docket Number	Intel 2207/6018

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
Petition Under 37 C.F.R. 1.137(b) to Revive
Patent Application Abandoned Unintentionally
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Petition Application Abandoned Unintentionally
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees**
- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
Deposit Account No. 11-0600
- a. ☒
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Petition to Revive Patent Application Abandoned Unintentionally Under 37 CFR 1.137(b)
- b. ☐ Check in the amount of \$ _____ enclosed
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- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

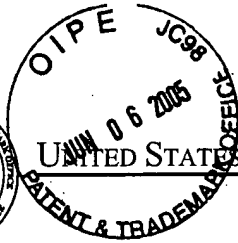
Name (Print/Type)	Shawn W. O'Dowd	Registration No. (Attorney/Agent)	34,687
Signature	<i>Shawn W. O'Dowd</i>	Date	August 24, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. **M/S: Petition**

Name (Print/Type)	Pilar Rodriguez	Date	August 24, 2004
Signature	<i>Pilar Rodriguez</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mail EV351182495US
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/208,064	12/09/1998	VICTOR B. LORTZ	2207/6018	7616

7590 08/30/2004

JOHN C ALTMILLER
KENYON & KENYON
1500 K STREET NW
SUITE 700
WASHINGTON, DC 20005-1257

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 08/30/2004


23

Please find below and/or attached an Office communication concerning this application or proceeding.

O I P E JC98
JUN 06 2005
PATENT & TRADEMARK OFFICE

Office Action Summary

Application No. 09/208,064	Applicant(s) Lortz et al.
Examiner "Krsta" Kleu-Oanh Bul	Group Art Unit 2611



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-30 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

9/1/04

Art Unit: 2611

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 8, 13-14, 22, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyahara (U.S. Patent No. 5,699,052).

Regarding claims 1 and 16, Miyahara discloses a method and a set of instructions residing on a storage medium capable of being executed on a processor to implement the method for controlling at least two audio/video ("A/V") devices to render a desired content (Figs. 1-2 and col. 2/lines 14-35), comprising constructing a filter graph of at least two A/V devices as a function of a connection topology of at least two A/V devices and desired content, i.e., a constructive table shows the connection topology of at least two A/V devices and its desired content (Fig. 4a and col. 3/lines 53-61); and controlling at least two A/V devices via filter graph to render desired content on one of at least two A/V devices, i.e., based on the table, the selecting

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step of at least two A/V devices can be performed using the A/V selector (Figs. 1, 3 & 5 and col. 3/lines 1-22).

As for claims 8 and 22, the step of "wherein said desired content is determined as a function of a user input" is taught by Miyahara as Miyahara reveals that the user can select object A/V system from the menu (Figs. 6a-6c and Fig. 7).

With respect to claims 13 and 26, Miyahara suggests the step of "validating said filter graph as a function of said connection topology" by providing the reproduction routine check (Fig. 8).

As for claims 14 and 27, Miyahara discloses "wherein the processor controls said at least two devices via a command transmission device", i.e., a CPU 13 controls the command transmission a plurality of A/V devices (Fig. 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-7, 12, 17-21, 25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara (U.S. Patent No. 5,699,052) in view of Laubach et al. (U.S. Patent No. 6,081,533).

Regarding claims 2-3 and 17-18, Miyahara does not clearly mention to include “wherein constructing said filter graph includes: connecting at least two device filters corresponding to said at least two A/V devices” and “wherein each of said at least two device filters includes predetermined characteristics of a corresponding one of said at least two A/V devices”; however, the technique of using a device filter or more with predetermined characteristics of a corresponding one of the at least two device filters in order to provide a filter table or a filter graph of connected devices to a control system is taught by Laubach (Laubach, Fig. 3/item 319, and col. 7/lines 14-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyahara’s system with Laubach’s disclosed technique in using device filters in order to select and discard the wanted or unwanted information, respectively. The motivation for doing this is either to filter out unwanted information or to sort out information data sources as desired.

As for claims 4-5 and 19-20, in further view of claims 2-3 above, Laubach suggests the steps of “wherein said predetermined characteristics of each of said at least two device filters includes at least one of an input pin and an output pin”, i.e., as the filter 310 has an input port from element 307 and an output port to element 311, and the filter 319 has an input port from element 311 and an output port to element 321 (Laubach, Fig. 3) and “wherein said at least two

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device filters are connected by connecting said at least one of said input pin and said output pin of one of said at least two device filters to said at least one of said input pin and said output pin of the other one of said at least two device filters” (Fig. 3/via Port 2).

With respect to claim 6, in view of claims 2-3 above, Miyahara further discloses “wherein said predetermined characteristics of each of said at least two device filters includes a media type, and wherein said filter graph is constructed as a further function of said media type of at least one of said at least two device filters” as Miyahara reveals the media types of A/V devices on the filter graph or filter table (see Miyahara, Fig. 4a with VCR type or TV type).

Regarding claims 7, 12, 21 and 25, Laubach further inherently suggests “wherein said predetermined characteristics of each of said at least two device filters includes a location, and wherein said filter graph is constructed as a further function of said location of at least one of said at least two device filters” and “determining a user location, wherein said filter graph is constructed as a further function of said user location” because the filter table shows device number and terminal number (Fig. 4a & b), a user easily realizes where those devices are located since he is the one who sets them up to where as he prefers.

Regarding claim 28-30, these system claims are rejected for the reasons given in the scope of claims 1-8 and 12-15 as already disclosed above (and as below for claim 15).

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5. Claims 9-11 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara (U.S. Patent No. 5,699,052) in view of Kimura et al (U.S. Patent No. 5,247,580).

Regarding claims 9-11 and 23-24, Miyahara does not disclose "wherein said user input is a verbal command, the method further comprising: determining said rendered content as a function of said verbal command"; "determining a desired activity as a function of said verbal command, wherein said filter graph is constructed as a further function of said desired activity" and "determining a target device as a function of said verbal command, wherein said target device indicates which of said at least two A/V devices renders said desired content" as claimed; however, the technique using a verbal command to operate a target device is taught by Kimura as Kimura teaches a voice-operated remote control system that can recognize the verbal command of human voice and operates an A/V system (see Kimura, col. 1/lines 13-34; and col.1/line 58-col. 2/line 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyahara's system with Kimura's disclosed voice-operated remote control system in order to obtain an enhanced A/V control system with verbal commands from a distance to operate the A/V system for selecting or switching target devices as desired.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara (U.S. Patent No. 5,699,052).

With respect to claim 15, Miyahara does not clearly to mention "wherein said command transmission device includes at least one of a serial cable, an infrared transmitter and a radio

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frequency transmitter”; however, the Examiner takes Official Notice that it is well-known in the art that one can easily use a serial cable as means for cable connection and an infrared and a RF transmitter as means for wireless connection between the control device and A/V devices as claimed. There is no restriction in how the two mentioned devices to interconnect either in cable connection means or in wireless connection means. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyahara’s system with the additional step of “wherein said command transmission device includes at least one of a serial cable, an infrared transmitter and a radio frequency transmitter” as preferred choices to interconnect the control system and the A/V devices.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirosawa et al (US Patent 5,202,989) disclose control method for a computer network system.

Yashiro (US Patent 5,418,527) discloses a remote control system for audio/video system.

Tanaka et al. (US Patent 5,420,573) disclose an audio-visual system with 2-way communication.

Florin et al. (US Patent 5,583,560) disclose a method and apparatus for audio-visual interface for the selective display of listing information on a display.

Art Unit: 2611

8. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 308-6306 or (703) 308-6296, (for formal communications intended for entry)
Or:
(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT").


Hand-delivered responses should be brought to Crystal Park III, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Krista Bui
Art Unit 2611
December 19, 2000


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

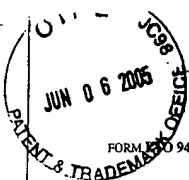
**NOTICE OF DRAFTPERSON'S
PATENT DRAWING REVIEW**The drawing filed (insert date) 12/9/98 are:A. ☒ not objected to by the Draftperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.**1. DRAWINGS. 37 CFR 1.84(a):** Acceptable categories of drawings:
Black ink. Color.☐ Color drawing are not acceptable until petition is granted.

Fig.(s) _____

☐ Pencil and non black ink is not permitted. Fig(s) _____**2. PHOTOGRAPHS. 37 CFR 1.84(b)**☐ Photographs are not acceptable until petition is granted,☐ 3 full-tone sets are required. Fig(s) _____☐ Photographs not properly mounted (must bristol board or photographic double-weight paper). Fig(s) _____☐ Poor quality (half-tone). Fig(s) _____**3. TYPE OF PAPER. 37 CFR 1.84(e)**☐ Paper not flexible, strong, white and durable.

Fig.(s) _____

☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not acceptable. (too thin)☐ Mylar, vellum paper is not acceptable (too thin).

Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:☐ 21.0 cm by 29.7 cm (DIN size A4)☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)☐ All drawings sheets not the same size.

Sheet(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

☒ Margins not acceptable. Fig(s) 3, 4, 6, 9☒ Top (T) ☒ Left (L)☒ Right (R) ☐ Bottom (B)**6. VIEWS. 37 CFR 1.84(h)**

REMINDER: Specification may require revision to correspond to drawing changes.

☐ Views connected by projection lines or lead lines.

Fig.(s) _____

Partial views. 37 CFR 1.84(h)(2)

☐ Brackets needed to show figure as one entity.

Fig.(s) _____

☐ Views not labeled separately or properly.

Fig.(s) _____

☐ Enlarged view not labeled separately or properly.

Fig.(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)☐ Hatching not indicated for sectional portions of an object.

Fig.(s) _____

☐ Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned, so that the top becomes the right side, except for graphs. Fig(s) _____☐ Views not on the same plane on drawing sheet. Fig(s) _____**9. SCALE. 37 CFR 1.84(k)**☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig.(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable and black (poor line quality).

Fig.(s) _____

11. SHADING. 37 CFR 1.84(m)☐ Solid black areas pale. Fig(s) _____☐ Solid black shading not permitted. Fig(s) _____☐ Shade lines, pale, rough and blurred. Fig(s) _____**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.48(p)**☐ Numbers and reference characters not plain and legible.

Fig.(s) _____

☐ Figure legends are poor. Fig.(s) _____☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(3) Fig.(s) _____☐ English alphabet not used. 37 CFR 1.84(p)(3) Fig(s) _____☐ Numbers, letters and reference characters must be at least

.32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig.(s) _____

13. LEAD LINES. 37 CFR 1.84(q)☐ Lead lines cross each other. Fig(s) _____☐ Lead lines missing. Fig(s) _____**14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.48(t)**☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig(s) _____**15. NUMBERING OF VIEWS. 37 CFR 1.84(u)**☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____**16. CORRECTIONS. 37 CFR 1.84(w)**☐ Corrections not made from PTO-948 dated _____**17. DESIGN DRAWINGS. 37 CFR 1.152**☐ Surface shading shown not appropriate. Fig(s) _____☐ Solid black shading not used for color contrast.

Fig.(s) _____

COMMENTS

REVIEWER

Tano

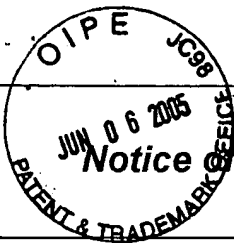
DATE

1/28/99

TELEPHONE NO.

ATTACHMENT TO PAPER NO. _____

APPLICANT'S COPY



Notice of References Cited	Application No. 09/208,064	Applicant(s) Lortz et al.	
	Examiner "Krista" Kleu-Oanh Bul	Group Art Unit 2611	Page 1 of 1

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,699,052	12/1997	Miyahara	340	825.25
B	6,081,533	6/2000	Laubach et al.	370	421
C	5,247,580	9/1993	Kimura et al.	381	43
D	5,202,989	4/1993	Hirosawa et al.	395	650
E	5,418,527	5/1995	Yashiro	340	825.24
F	5,420,573	5/1995	Tanaka et al.	340	825.54
G	5,583,560	12/1996	Florin et al.	725	87
H					
I					
J					
K					
L					
M					

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X		



The stamp of the Patent Office hereon may be taken as acknowledging the receipt, on the date stamped, of

Inventor: Victor B. LORTZ, *et al.*
Serial No.: 09/208,064
Filing Date: December 9, 1998
For: SYSTEM AND METHOD FOR INTEGRATING AND CONTROLLING
AUDIO/VIDEO DEVICES

The PTO is authorized to charge any fees necessary regarding this filing to Deposit Account
No. 11-0600



PAPERS FILED:

- Amendment & Petition for 1-Month Extension of Time; and
- Communication

December 28, 2004

2207/6018

SWO/ECK/ih
DC533701v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Lortz, Victor B.
SERIAL NO. : 09/208,064
FILED : 12/09/1998
ART UNIT : 2611
EXAMINER : Bui, Kieu Oanh T.
CUSTOMER NO. : 23838
DOCKET NO. : 02207/6018

COMMISSIONER FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

COMMUNICATION

SIR:

Please associate Customer Number 23838 with this application filing.

Respectfully submitted, .

Dated: December 28, 2004

Shawn W. O'Dowd
Reg. No. 34,687

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005-1257
Tel: (202) 220-4200
Fax: (202) 220-4201



PATENT
Assignee: Intel Corp.
DOCKET NO.: 02207/6018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. : 09/208,064 Conf. No.: 7616
APPLICANTS : Lortz, Victor B.
FILED : 12/09/1998
GROUP ART UNIT : 2611
EXAMINER : Bui, Kieu Oanh T.

DOCKET NO. : 02207/6018
CUSTOMER NO. : 23838

FOR : SYSTEM AND METHOD FOR INTEGRATING AND
CONTROLLING AUDIO/VIDEO DEVICES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT & PETITION FOR 1-MONTH EXTENSION OF TIME

Dear Sir:

The following amendments and remarks are responsive to the Office Action dated August 30, 2004 and are filed within the three-month shortened statutory period during which to respond thereto expiring on November 30, 2004, having been extended to December 30, 2004, by payment of the requisite fee of \$120.00 for a Petition for Extension of Time under recently enacted Consolidated Appropriations Act, 2005 (H.R. 4818) and 37 CFR §1.136(a). The Commissioner is authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 11-0600.

Accordingly, please amend the application as follows:

Remarks/Arguments begin on page 6 of this paper.

IN THE CLAIMS:

The following are currently pending claims 1-30. (All claims listed).

What Is Claimed Is:

(Original) 1. A method for controlling at least two audio/video ("A/V") devices to render a desired content, comprising:

constructing a filter graph of said at least two A/V devices as a function of a connection topology of said at least two A/V devices and said desired content; and

controlling said at least two A/V devices via said filter graph to render said desired content on one of said at least two A/V devices.

(Original) 2. The method according to claim 1, wherein constructing said filter graph includes:

connecting at least two device filters corresponding to said at least two A/V devices.

(Original) 3. The method according to claim 2, wherein each of said at least two device filters includes predetermined characteristics of a corresponding one of said at least two A/V devices.

(Original) 4. The method according to claim 3, wherein said predetermined characteristics of each of said at least two device filters includes at least one of an input pin and an output pin.

(Original) 5. The method according to claim 4, wherein said at least two device filters are connected by connecting said at least one of said input pin and said output pin of one of said at least two device filters to said at least one of said input pin and said output pin of the other one of said at least two device filters.

(Original) 6. The method according to claim 3, wherein said predetermined characteristics of each of said at least two device filters includes a media type, and wherein said filter graph is constructed as a further function of said media type of at least one of said at least two device filters.

(Original) 7. The method according to claim 3, wherein said predetermined characteristics of each of said at least two device filters includes a location, and wherein said filter graph is constructed as a further function of said location of at least one of said at least two device filters.

(Original) 8. The method according to claim 1, wherein said desired content is determined as a function of a user input.

(Original) 9. The method according to claim 8, wherein said user input is a verbal command, the method further comprising:

determining said rendered content as a function of said verbal command.

(Original) 10. The method according to claim 9, further comprising:

determining a desired activity as a function of said verbal command,
wherein said filter graph is constructed as a further function of said desired activity.

(Original) 11. The method according to claim 9, further comprising:

determining a target device as a function of said verbal command,
wherein said target device indicates which of said at least two A/V devices renders said desired content.

(Original) 12. The method according to claim 1, further comprising:

determining a user location,
wherein said filter graph is constructed as a further function of said user location.

(Original) 13. The method according to claim 1, further comprising:

validating said filter graph as a function of said connection topology.

(Original) 14. The method according to claim 1, wherein the processor controls said at least two A/V devices via a command transmission device.

(Original) 15. The method according to claim 1, wherein said command transmission device includes at least one of a serial cable, an infrared transmitter and a radio frequency transmitter.

(Original) 16. A set of instructions residing on a storage medium, said set of instructions capable of being executed on a processor to implement a method for controlling at least two A/V devices to render a desired content, the method comprising:

constructing a filter graph of said at least two A/V devices as a function of a connection topology of said at least two A/V devices and said desired content, and

controlling said at least two A/V devices via said filter graph to render said desired content on one of said at least two A/V devices.

(Original) 17. The set of instructions according to claim 16, wherein constructing said filter graph includes:

connecting at least two device filters corresponding to said at least two A/V devices.

(Original) 18. The set of instructions according to claim 17, wherein each of said at least two device filters includes predetermined characteristics of a corresponding one of said at least two A/V devices.

(Original) 19. The set of instructions according to claim 18, wherein said predetermined characteristics of each of said at least two device filters includes at least one of an input pin and an output pin.

(Original) 20. The set of instructions according to claim 19, wherein said at least two device filters are connected by connecting said at least one of said input pin and said output pin of one of said at least two device filters to said at least one of said input pin and said output pin of the other one of said at least two device filters.

(Original) 21. The set of instructions according to claim 18, wherein said predetermined characteristics of each of said at least two device filters includes a location, and wherein said filter graph is constructed as a further function of said location of at least one of said at least two device filters.

(Original) 22. The set of instructions according to claim 16, wherein said desired content is determined as a function of a user input.

(Original) 23. The set of instructions according to claim 16, wherein said user input is a verbal command, wherein said processor further determines said rendered content as a function of said verbal command.

(Original) 24. The set of instructions according to claim 22, said processor further determining a desired activity as a function of said verbal command, wherein said filter graph is constructed as a further function of said desired activity.

(Original) 25. The set of instructions according to claim 16, said processor further determining a user location, wherein said filter graph is constructed as a further function of said user location.

(Original) 26. The set of instructions according to claim 16, said processor further validating said filter graph as a function of said connection topology.

(Original) 27. The set of instructions according to claim 16, wherein said processor controls said at least two A/V devices via a command transmission device.

(Original) 28. A system for controlling at least two A/V devices to render a desired content, comprising:

- a processor;
- a storage device coupled to said processor; and
- a command transmission device coupled to said processor and said at least two A/V devices,

wherein said processor constructs a filter graph of said at least two A/V devices as a function of a connection topology of said at least two A/V devices and said desired content, and wherein said processor controls said at least two A/V devices via said filter graph to render said desired content on one of said at least two A/V devices.

(Original) 29. The system according to claim 28, wherein said command transmission device includes at least one of a serial cable, an infrared transmitter and a radio frequency transmitter.

(Original) 30. The system according to claim 28, further comprising a communication device coupled to said processor.

REMARKS

Claims 1-30 remain in the application. At the outset, it is noted that PTO records indicate that present application was abandoned. Applicant had filed a petition on August 24, 2004 to address this situation. In the interim, Examiner Bui re-mailed the Office Action on August 30, 2004. Though Applicant submits this document in response to the Office Action, a decision on its petition has not been received.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 8, 13-14, 16, 22, and 26-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,699,052 to Miyahara (hereinafter, "Miyahara").

Miyahara discloses a plurality of A/V devices connected to a control system having device information memory and connection information memory. Miyahara col. 2, lines 15-21. Upon execution of the routines, the system determines the source device and the rendering device, prompting the user to select devices when necessary. Miyahara col. 3, lines 34-49, Figs. 7 - 9b. However, once a device is determined, any commands are immediately executed on the device. Col. 3, lines 40-44, col. 4, lines 13-16. Under Miyahara, each device in the rendering process is immediately given commands in accordance with the options selected by the user via the user interface. This can be problematic for controlling a multitude of A/V devices, where the state of each device may change based on topology and operation. Further, certain advantages do not exist in controlling A/V devices according to this iterative process.

As to claims 1 and 16, Miyahara does not disclose constructing a filter graph based on at least two A/V devices as a function of topology, nor does Miyahara disclose controlling the A/V devices via the filter graph. A filter is a software object that performs certain tasks required to

process multimedia data. Application p. 3, lines 15-16. Each multimedia device has a corresponding filter that contains device specific information, such as the input and output pins corresponding to the device topology. The filter graph is constructed by connecting various filters together via their respective pins. Application p. 3, lines 19-20. Once the filter graph is constructed, a filter graph manager issues certain generic commands to the filter graph, and then each filter within the filter graph receives appropriate commands for carrying out the generic commands. Subsequently, each corresponding filter can then decide how to translate the filter graph manager's commands into device-specific commands. Application p.10, lines 6-11.

The advantages of using a filter graph become apparent when considering how intricately complex various audio/video systems have become, even for the average consumer. By constructing a filter graph, the present embodiment facilitates the user only needing to issue high level commands, without knowledge of specific system devices or their corresponding commands. Each filter within the filter graph becomes responsible for managing and issuing commands to its corresponding device. The user by issuing a single command, can control a multitude of devices to carry out the specified task.

Miyahara does not disclose constructing a filter graph. Miyahara discloses an iterative process of selecting the device and immediately carrying out commands issued from the CPU. Fig. 8, S19, Col. 3, lines 40-45. Once commands are issued, the system does not disclose retention of commands in a filter graph. By constructing a filter graph to use for execution, the present embodiment facilitates better control over more devices and more complex devices. For instance, in constructing the filter graph, the system connects the necessary pins and notifies the device filters of the connections. This gives the respective device filters an opportunity to negotiate their connections. Application p. 10, lines 7-10. In one example, issuing a command

to play a DVD on a certain television might require powering on both devices and signaling the television to change to the appropriate input connection (for instance many televisions might have multiple RCA connection inputs, or S-Video inputs, or composite video inputs). If particular television stations or content is desired, in one embodiment of the present invention, the system might have to negotiate connections between a satellite dish or cable box and television and set appropriate channels for each device.

Further, device filters can contain necessary information about their connections that are necessary for carrying out various activities. In this way, a device filter can tell the processor if additional connections are necessary. For instance, in one of the previous examples, if the DVD is connected to the television via the S-Video input, this connection inherently carries only a video signal. Therefore, the television filter may notify the processor that the DVD needs to connect one of its audio pins to a stereo system input. Thus, the system can add the filter for the stereo system to the filter graph, and then issue appropriate commands to connect the pins between the DVD and the stereo system. Application p.9, lines 14-20.

Filter graphs also present advantages for integrity checking. Upon parsing any command issued by the user, the system will determine the source and target devices. Application, p. 8, lines 6-16. After constructing the filter graph, and determining that no further devices need be added, the filter graph can verify that the rendering device (the last device filter in the chain of connections) corresponds to the anticipated target device. Application, p. 9, lines 23-29. Further, filter graphs allow the system prior to execution, to verify that no device filters are in use or in conflict with the desired activity. Connections between devices can be verified, and conflicting uses can be resolved. In one embodiment, if the device filter contains optional time fields, to issue for instance a record command to a VCR, DVR, or DVD-R, the system might

check the device filter prior to issuing the record command to verify that the device is not presently recording something else (an action which would hinder recording on a VCR, though not necessarily a DVR or DVD-R).

Miyahara does not disclose constructing a filter graph and executing commands based on the filter graph. Hence, claims 1 and 16 are allowable over the art cited by the Examiner.

Claims 8 and 13-14 depend from allowable claim 1, claims 22 and 26-27 depend from allowable claim 16. These claims consequently contain all the limitations of claims 1 and 16 respectively. Hence claims 8, 13-14, 22, and 26-27 are also allowable.

Claim Rejections under 35 U.S.C. § 103

Pending claims 2-7, 12, 17-21, 25 and 28-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyahara in view of U.S. Patent No. 6,081,533 to Laubach et al ("Laubach"). Claim 2-7 and 12 depend from patentable claim 1, and claims 17-21 and 25 depend from patentable claim 16. Miyahara does not disclose the use or construction of filter graphs to allow negotiation between devices and control and integrity checking of device connections and control over devices. Laubach discloses use of a filter table to route packets over a network using address resolution protocol (ARP) requests. Filter tables are commonly used in the art of network routing to determine proper IP address routes for specific packets, and to filter out and discard unwanted packets. Laubach Col. 7, lines 14-33. Laubach does not disclose the construction and use of a filter graph to control the use of audio/video devices. Filter tables used for processing and routing ARP requests are fundamentally different from using device filters within a filter graph to control usage and connection of audio/video devices.

Laubach fails to remedy the deficiency in Miyahara. Hence claims 2-7, 12, 17-21 and 25 are allowable over the cited art.

As to independent claim 28, Miyahara fails to disclose the construction and use of a filter graph to control audio/video devices and Laubach fails to remedy this deficiency. Hence claim 28 is allowable over the cited art. Claims 29-30 depend from allowable claim 28 and hence are also allowable over the cited art for the above stated reasons.

CONCLUSION

In view of the above submitted remarks, it is respectfully submitted that all of the claims of the present application are allowable over the cited prior art. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

Dated: 12/28/09

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